

**ACT 149**

H.B. NO. 1366

A Bill for an Act Relating to Firearms.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature notes that Act 74, Session Laws of Hawaii 2020, established, among other things, the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number. This offense is now codified in section 134-10.2, Hawaii Revised Statutes. However, according to law enforcement agencies, persons found to be in possession of firearms having no serial number, which are also known as “ghost guns” because they are untraceable, claim that their actions do not violate the law because the parts used to assemble the firearm were acquired before the September 15, 2020, effective date of section 134-10.2, Hawaii Revised Statutes.

Accordingly, the purpose of this Act is to:

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- (1) Amend the offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts; and
- (2) Amend Act 74, Session Laws of Hawaii 2020, to repeal language that specified the prospective application of that Act.

SECTION 2. Section 134-10.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person who is not licensed to manufacture a firearm under section 134-31, or who is not a dealer licensed by the United States Department of Justice, shall not, for the purpose of assembling a firearm, possess, purchase, produce with a three-dimensional printer, or otherwise obtain separately, or as part of a kit:

- (1) A firearm receiver that is not imprinted with a serial number registered with a federally licensed manufacturer;
- (2) A firearm receiver that has not been provided a serial number that may be registered in accordance with section 134-3(c); or
- (3) Any combination of parts from which a firearm having no serial number may be readily assembled; provided that the parts do not have the capacity to function as a firearm unless assembled.”

SECTION 3. Act 74, Session Laws of Hawaii 2020, is amended by repealing section 6.

[“SECTION 6. — This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.”]

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 2022.

(Approved July 1, 2021.)